

MARINE PROTECTION, RESEARCH, AND SANCTUARIES
ACT AUTHORIZATION—FISCAL YEAR 1978

MAY 16, 1977.—Ordered to be printed

Mr. MAGNUSON, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 1425]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1425) to extend the Marine Protection, Research, and Sanctuaries Act, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

PURPOSE AND BRIEF DESCRIPTION

The purpose of S. 1425 is to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to extend authorization of appropriations to carry out provisions for title II and III of the Act for fiscal year 1978 and fiscal year 1979. Sums not to exceed \$500,000 are authorized for title II, and \$500,000 for title III. Section 202 of title II is repealed.

BACKGROUND AND NEED

The Marine Protection, Research, and Sanctuaries Act was signed into law on October 23, 1972 (Public Law 92-532). The legislation originated with an administration proposal based on a report by the President's Council on Environmental Quality ("Ocean Dumping—A National Policy," October, 1970). The Committee on Commerce reported the legislation in the second session of the 92nd Congress.

Section 201 of title II of the Act directs the Secretary of Commerce to initiate and maintain a comprehensive research program regarding the effects of ocean dumping on the marine environment.

Section 202 of title II of the Act directs the Secretary of Commerce

to conduct research on the long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems.

Title III of the Act authorizes the Secretary of Commerce to designate certain areas of ocean waters as marine sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values.

Extensive hearings were held during the 92nd session of the 94th Congress, and the Act was amended, primarily in an effort to increase research efforts to determine the effects of ocean dumping and other man-induced changes. Lack of funding has continued to inhibit efforts in this area, in spite of significant Congressional and public interest in the program.

Over the last year, the Committee has reviewed the ocean dumping and long-range research programs at NOAA. As a result, a new pollution research program, the Ocean Pollution Research Act of 1977, has been proposed in title II of S. 682, the Tanker and Vessel Safety Act of 1977. Extensive hearings were held by the Committee on S. 682 in March of 1977, and the bill was reported out of Committee on April 26, 1977.

The pollution research program called for in title II of S. 682 authorizes a comprehensive research and monitoring program, naming NOAA as the lead agency. An inventory of all current ocean pollution research programs is called for, as well as the establishment of goals and priorities in ocean pollution research, and the development of concrete arrangements within the Federal government for meeting these goals. The Committee feels that in order to develop the kind of information necessary in the marine pollution field, a planned, orderly approach is required which will reduce unnecessary duplication.

In addition, the Committee believes that the need to pursue data and information regarding the long-range effects of overfishing is no longer necessary under the Marine Protection, Research, and Sanctuaries Act. The Fishery Conservation and Management Act of 1976 deals directly with the problems of overfishing in a comprehensive fashion and calls for the development of a national fishery management plan.

As a result, S. 1425, as reported, repeals section 202 of the Marine Protection, Research, and Sanctuaries Act of 1972.

The ocean dumping research program under section 201 of that Act is authorized at \$500,000 for fiscal year 1978, and \$500,000 for fiscal year 1979, to provide continuity until such time as the comprehensive research and monitoring program authorized by S. 682 can become operative.

Section 304 of title III of the Marine Protection, Research, and Sanctuaries Act which authorizes the marine sanctuaries program administered by NOAA, is continued at the present level: \$500,000 for fiscal year 1978, and \$500,000 for fiscal year 1979.

SECTION-BY-SECTION ANALYSIS

Section 1(a) extends the funding authorization for title III of the Act for two additional years, until September 30, 1979, and authorizes

to be appropriated for each of the fiscal years an amount not to exceed \$500,000.

Section 1(b) repeals section 202 of the Act.

Section 1(c) renumbers sections 203 and 204, as 202 and 203, respectively. In addition, section 203 (as renumbered) which authorizes research and monitoring of ocean dumping is reauthorized until September 30, 1979, at the level of \$500,000 for each fiscal year.

TEXT OF S. 1425, AS REPORTED

A BILL To amend section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to extend the authorization of appropriations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (86 Stat. 1063, as amended; 33 U.S.C. 1434) is further amended—(1) by striking out the word “and” immediately after the words “September 30, 1976),” and (2) by striking out the words “fiscal year 1977” and inserting in lieu thereof the words “each of the fiscal years 1977 and 1978, and such sums as may be necessary for fiscal year 1979”.]

That the Marine Protection, Research and Sanctuaries Act of 1972, as amended, is further amended as follows:

(a) *Section 304 of that Act (16 U.S.C. 1434) is amended by (1) striking out “and” immediately after “(July 1, through September 30, 1976)”;* and (2) *inserting “, not to exceed \$500,000 for fiscal 1978, and not to exceed \$500,000 for fiscal year 1979” immediately after “year 1977”.*

(b) *Section 202 of that Act (33 U.S.C. 1442) is repealed.*

(c) *Section 203 and 204 of that Act (33 U.S.C. 1443 and 1444) are renumbered 202 and 203, respectively; and section 203 (as renumbered) is amended by (1) striking out “and” immediately after “(July 1, through September 30, 1976)”;* and (2) *inserting “, not to exceed \$500,000 for the fiscal year 1978, and not to exceed \$500,000 for the fiscal year 1979” immediately after “1977”.*

ESTIMATED COSTS

Pursuant to the requirements of section 252 of the Legislative Reorganization Act of 1970, the Committee estimates that the cost of the proposed legislation, if funded at maximum authorization, would be as follows:

Title II:

Fiscal year:

1978	-----	\$500, 000
1979	-----	500, 000

Title III:

Fiscal year:

1978	-----	500, 000
1979	-----	500, 000

REGULATORY IMPACT STATEMENT

The bill, S. 1425, extends the authorization of appropriations for titles II and III of the Marine Protection Research, and Sanctuaries

Act of 1972 for two additional years. In compliance with paragraph 5 of Rule XXIX of the Standing Rules of the Senate, the Committees conclude that because this bill does not regulate private business activity or any other private activity, the implementation of S. 1425 will have no direct impact on the personal privacy of any individual or business. The bill does not require that any records be kept by any individual or business, nor are any reports required to be filed, or regulations required to be promulgated.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new language is printed in *italic*, and existing law in which no change is proposed is shown in roman):

THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972

(86 Stat. 1052, 33 U.S.C. 1442, 1444)

[SEC. 202(a). The Secretary of Commerce, in consultation with other appropriate Federal departments, agencies, and instrumentalities shall, within six months of October 23, 1972, initiate a comprehensive and continuing program of research with respect to the possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems. In carrying out such research, the Secretary of Commerce shall take into account such factors as existing and proposed international policies affecting oceanic problems, economic considerations involved in both the protection and the use of the oceans, possible alternatives to existing programs, and ways in which the health of the oceans may best be preserved for the benefit of succeeding generations of mankind.]

[(b) In carrying out his responsibilities under this section, the Secretary of Commerce, under the foreign policy guidance of the President and pursuant to international agreements and treaties made by the President with the advice and consent of the Senate, may act alone or in conjunction with any other nation or group of nations, and shall make known the results of his activities by such channels of communication as may appear appropriate.]

[(c) In January of each year, the Secretary of Commerce shall report to the Congress on the results of activities undertaken by him pursuant to this section during the previous fiscal year.]

[(d) Each such department, agency, and independent instrumentality of the Federal Government is authorized and directed to cooperate with the Secretary of Commerce in carrying out the purposes of this section and, to the extent permitted by law, to furnish such information as may be requested.]

[(e) The Secretary of Commerce, in carrying out his responsibilities under this section, shall, to the extent feasible utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities (including those of the Coast Guard for monitoring

purposes), and is authorized to enter into appropriate inter-agency agreements to accomplish this action.】

SEC. 【203】 202. The Secretary of Commerce shall conduct and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and to promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies for the purpose of determining means of minimizing or ending all dumping of materials within five years of the effective date of this Act.】

SEC. 【204】 203. There are authorized to be appropriated for the first fiscal year after this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any such fiscal year may not exceed \$6,000,000. There are authorized to be appropriated not to exceed \$1,500,000 for the transition period (July 1 through September 30, 1976), 【and】 not to exceed \$5,600,000 for fiscal year 1977, *not to exceed \$500,000 for the fiscal year 1978, and not to exceed \$500,000 for the fiscal year 1979.*

(89 Stat. 303, 16 U.S.C. 1434)

SEC. 304. There are authorized to be appropriated not to exceed \$10,000,000 for each of the fiscal years 1973, 1974, and 1975, not to exceed \$6,200,000 for fiscal year 1976, not to exceed \$1,550,000 for the transition period (July 1 through September 30, 1976, 【and】 not to exceed \$500,000 for fiscal year 1977, *not to exceed \$500,000 for fiscal year 1978, and not to exceed \$500,000 for fiscal year 1979* to carry out the provisions of this title, including the acquisition, development, and operation of marine sanctuaries designated under this title.

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